

REMARKS

Applicants thank the Examiner for indicating that Claims 1-4 and 6-8 contain allowable subject matter and would be allowed if amended to correct certain informalities. Accordingly, Claims 1-4 and 6-8 are amended to correct the instances of double inclusion, lack of antecedent basis and other informalities noted by the Examiner.

Claim 5 also is amended to make it clear that "at least one" of the side walls includes fold lines and this should correct the ambiguity noted by the Examiner. In addition, Claim 5 is amended to recite that the fold lines "form facets within" one of the side walls, the facets "allowing for the reshaping of the upper half and the lower half." Support for this amendment can be found in the specification at paragraph 00038.

Claim 5 currently stands rejected under 35 U.S.C. 103(a) as being unpatentable over Blatt (US 3, 873, 017) in view of Johnson, et al (US 3, 276, 667). Blatt is said to disclose all the structure of the claimed container except for a sealed container within the outer container. Applicants respectfully point out that this is not the case.

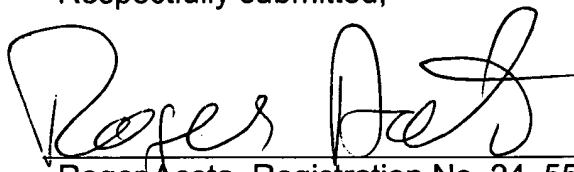
In particular, Claim 5 provides for a tear strip in the side walls of the sealed outer container "for separating the container into an upper half and a lower half." While Blatt has a tear strip 20, it is located to sever the sealed top from the carton (Column 5, lines 26-30) and is not located to sever the container into halves as set out in Claim 5. Blatt also does not appear to have any "side wall including fold lines" (that is fold lines in the side wall, *per se*) let alone fold lines that "form facets within the at least one side wall." The Blatt container merely has a plurality of side walls 15 that are flat, none of which includes folds that form a facet within the wall.

Johnson, et al. does have a tear strip that appears to be located about midway between the top and bottom of the container but certainly does not disclose any side wall having fold lines that "form facets within" any of the side

walls. Accordingly, adding the teachings of Johnson, et al. to Blatt would still fall short of the invention.

In view of the above amendments and comments, Applicants consider that the subject application now is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Roger Aceto", written over a horizontal line.

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